## SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FORM A WORKING GROUP TO EXAMINE SMARTER SENTENCING TO IMPROVE THE QUALITY AND RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES.

WHEREAS, the prison population in the United States has grown tremendously over the past four decades despite the tapering off of crime over the past twenty years, partly due to the imposition of lengthy sentences; and

WHEREAS, the increasing number of individuals imprisoned has led to rising operating costs, community reliance on incarceration, and growing numbers of inmates prematurely released from prison each year; and

WHEREAS, offender recidivism rates continue to be an issue because many inmates who are released from incarceration are not prepared to lead law-abiding lives and reintegrate into society; and

WHEREAS, the number of inmates prematurely released has led to a growing sentiment that there is interdependency among participants in the judicial process that needs to be recognized in working with each other and in the decision-making processes regarding offenders; and

WHEREAS, smarter sentencing uses research and science to enhance the decision making ability of criminal justice stakeholders in the selection and application of fair, just, proportionate, and efficient sanctioning goals; and

WHEREAS, at each decision point during the process of charging an individual with an offense, negotiating and recommending a plea deal, and determining the ultimate sentence, there is an opportunity to use research-based smarter sentencing; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, that the Department of Public Safety is requested to convene a working group to examine the concept of smarter sentencing to improve the quality and reliability of the State's criminal justice sentencing policies and practices; and

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BE IT FURTHER RESOLVED that the purpose of the working group is to research:

(1) The number of cases over the last ten years in which smarter sentencing principles were applied to the negotiation and recommendation of a sentence;

(2) The number of cases over the past ten years in which principles of smarter sentencing were applicable; and

(3) Possibilities of designing, implementing, and streamlining a process involving smarter sentencing; and

BE IT FURTHER RESOLVED that the Department of Public Safety is requested to include in the working group:

(1) The Chair of the Senate and House of Representatives committees with primary jurisdiction over the Judiciary;

(2) The Chair of the Senate and House of Representatives committees with primary jurisdiction over public safety;

(3) The county prosecutor of each of the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu;

 (4) One public defender to represent the Office of the Public Defender located in each of the counties of Hawaii, Kauai, and Maui, and the City and County of Honolulu;

1 2 3	(5)	The Attorney General, or the Attorney General's designee;
<b>4 5</b>	(6)	Two members appointed by the Chief Justice of the Hawaii Supreme Court;
6 7 8	(7)	One representative of the American Civil Liberties Union of Hawaii;
9 10 11	(8)	One representative of the Hawaii Civil Rights Commission;
12 13 14	(9)	Four members from the community, to be appointed by the Governor;
15 16 17	(10)	One representative of the Sex Abuse Treatment Center;
18 19	(11)	One representative of the Hawaii State Coalition Against Domestic Violence; and
20 21 22	(12)	One representative of Mothers Against Drunk Driving Hawaii; and
<ul><li>23</li><li>24</li><li>25</li><li>26</li></ul>	BE IT FURTHER RESOLVED that the working group is requested to select a chairperson from among its members and meet at least five times prior to December 31, 2015; and	
27 28 29 30 31 32 33	BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016; and	
34 35 36	BE IT FURTHER RESOLVED that the working group be dissolved on June 30, 2016; and	
37 38 39 40 41	BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Director of Public Safety, Prosecuting Attorney of the County of Hawaii, Prosecuting Attorney of the County of Kauai, Prosecuting	

Attorney of the County of Maui, Prosecuting Attorney of the City

- 1 and County of Honolulu, Office of the Public Defender, Attorney
- 2 General, Administrator of the Courts, Executive Director of the
- 3 American Civil Liberties Union of Hawaii, Executive Director of
- 4 the Hawaii Civil Rights Commission, Executive Director of the
- 5 Sex Abuse Treatment Center, Executive Director of the Hawaii
- 6 State Coalition Against Domestic Violence, and Executive
- 7 Director of Mothers Against Drunk Driving Hawaii.